Province of
British Columbia

ANNUAL REPORT
1991/92

LAW REFORM COMMISSION OF BRITISH COLUMBIA

MINISTRY OF ATTORNEY GENERAL

BC
L3
B
1991/92
c 3

LAW REFORM COMMISSION OF BRITISH COLUMBIA

ANNUAL REPORT 1991/92

LRC 124

92-06483/

The Law Reform Commission of British Columbia was established by the *Law Reform Commission Act* in 1969 and began functioning in 1970.

The Commissioners are:

ARTHUR L. CLOSE, Q.C., *Chairman*

HON. RONALD I. CHEFFINS, Q.C., *Vice-Chairman*

LYMAN R. ROBINSON, Q.C.

PETER T. BURNS, Q.C.

THOMAS G. ANDERSON

Gregory G. Blue and Elizabeth S. Liu are Legal Research Officers to the Commission.

Sharon St. Michael is Secretary to the Commission.

Linda Grant provides text processing and technical copy preparation.

The Commission offices are located at Suite 601, Chancery Place, 865 Hornby Street, Vancouver, B.C. V6Z 2G3.

The Law Reform Commission gratefully acknowledges the financial support of the Law Foundation of British Columbia in carrying out its program.

British Columbia Cataloguing in Publication Data

Law Reform Commission of British Columbia
Annual report. -- 1981-

Continues: Law Reform Commission of British Columbia. Annual report of the Law Reform Commission of British Columbia.
ISSN 0381-2510
Report year ends Mar. 31, 1983/84-
Report for 1983/84 covers Jan. 1, 1983- Mar. 31, 1984.
ISSN 0381-2510 = Annual report of the Law Reform Commission of British Columbia.

1. Law Reform Commission of British Columbia.
2. Law reform - British Columbia - Periodicals.

KEB168.A72L38 354.7110088

Table of Contents

		Page
I	**INTRODUCTION**	1
II	**PERSONALIA**	2
III	**THE PROGRAM**	2
	1. Debtor-Creditor Relationship Topics	3
	(a) *Uniform Enforcement of Canadian Judgments Act*	3
	(b) *Rules of Court:* Rule 54	5
	(c) *Foreign Money Claims Act:* Regulations	6
	2. Joint Project on Land Title Law	6
	3. The Division of Pensions on Marriage Breakdown	7
	4. Apartment Corporations	8
	5. Trusts Projects	8
	(a) Non-Charitable Purpose Trusts	8
	(b) Public Appeals	9
	(c) The *Trustee Act*	9
	6. Wrongful Interference With Goods	10
	7. Forest Industry Liens	10
	8. *Family Compensation Act*	11
	9. Franchise Regulation	11
	10. *Personal Property Security Act:* Fixtures and Other Land Related Interests	12
	11. *Limitation Act:* Section 6	12
	12. The Law Reform Database	13
	13. Subjects of Interest	13
IV	**THE AVAILABILITY OF COMMISSION PUBLICATIONS**	14
V	**ACKNOWLEDGEMENTS**	15
	1. Commission Staff	15
	2. Judges' Law Reform Committee	16
	3. The Law Foundation	16
	4. The Legal Profession	17
	5. Ministry and Government Personnel	17

APPENDICES

A	**REPORTS AND RECOMMENDATIONS MADE BY THE COMMISSION**	19
B	**OTHER PUBLICATIONS**	30
C	**PAST AND PRESENT MEMBERS OF THE COMMISSION**	33

TO THE HONOURABLE COLIN GABELMANN
ATTORNEY GENERAL OF THE PROVINCE OF BRITISH COLUMBIA

The Law Reform Commission of British Columbia has the honour to present its Annual Report for 1991/92. It outlines the progress made by the Commission during the period from April 1, 1991 to March 31, 1992.

I INTRODUCTION

The Law Reform Commission of British Columbia was created in 1969 by the *Law Reform Commission Act* and it commenced operation in 1970. The function of the Commission is set out in section 2 of the Act:

> The Commission is to take and keep under review all the law of the Province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law....

"Twenty Years of Law Reform," a detailed description of the Commission's approach to this mandate and its accomplishments, was set out in its *Annual Report 1989/90*.

During the period under review, Reports were submitted to you on the following matters:

Apartment Corporations

Foreign Money Claims Act: Regulations

Uniform Enforcement of Canadian Judgments Act

Division of Pensions on Marriage Breakdown

In the past year, progress was also made on a number of other projects on the Commission's program, as these were brought closer to completion.

II PERSONALIA

As presently constituted the Commission consists of five members:

Arthur L. Close, Q.C., Chairman

Hon. Ronald I. Cheffins, Q.C., Vice-Chairman

Professor Lyman R. Robinson, Q.C.

Peter T. Burns, Q.C.

Thomas G. Anderson

This reflects a change in the composition of the Commission which occurred in July 1991 with the appointment of Commission member Mary V. Newbury as a Justice of the Supreme Court of British Columbia. All Commissioners, other than the Chairman and Mr. Anderson, serve on a part-time basis. A full list of past and present members of the Commission is set out as Appendix C to this Report.

Madam Justice Newbury had been a member of the Commission since 1984. She brought to our deliberations an astute legal mind combined with a deep fund of common sense and humanity. These characteristics which made her so valuable to the Commission will also serve her well on the bench. We wish to record our congratulations, our appreciation for the valuable contribution she made and our confidence that her tenure will be a long and distinguished one.

III THE PROGRAM

The description below is limited to those projects which were active in the past year. Details of other projects may be found in earlier Annual Reports. Included as Appendix A is a table setting out all Reports which the Commission has made to date, and references to legislation in which the recommendations have been implemented in whole or in part. Appendix B sets out a list of the Working Papers which the Commission has issued for consultation purposes.

1. DEBTOR-CREDITOR RELATIONSHIP TOPICS

(a) Uniform Enforcement of Canadian Judgments Act

Early in 1992 we submitted a final Report recommending the adoption of the *Uniform Enforcement of Canadian Judgments Act*, promulgated in 1991 by the Uniform Law Conference of Canada. As outlined below, the Law Reform Commission of British Columbia was a catalyst for the national processes which led to the creation of the Uniform Act.

Late in 1989 a Working Paper titled *The Enforcement of Judgments Between Canadian Provinces* (WP 64) was released by the Law Reform Commission for consultation. It proposed that money judgments emanating from the courts of other Canadian provinces should be enforceable in British Columbia on a "full faith and credit" basis and that the wide range of defences which might be raised to resist the enforcement of an out-of-province judgment should no longer be available to the judgment debtor.

A scheme which embodied this principle was set out in the form of draft legislation in the paper. The Commission proposed that an out-of-province Canadian judgment for money should become enforceable by simply filing it with the Supreme Court of British Columbia. All the remedies available to those seeking to enforce local judgments would be available.

This proposal was developed against a legal background which we described in our Annual Report for 1989/90 in the following terms:

> The law which surrounds the enforcement of out-of-province judgments is deficient. It reflects principles which evolved to govern the enforceability of judgments between nations rather than units of a federation. Their application in a Canadian context is dubious. For example, under the current rules a person seeking to enforce a judgment from Alberta is no better off in substance (and little better procedurally) than if the judgment were from Albania. Change has been stifled by a view that any relaxation of these rules must be approached on the basis of reciprocal arrangements between provinces. This seems wrong in principle and a larger view is called for.

That statement of the law has been overtaken by the decision of the Supreme Court of Canada in *Morguard* v. *De Savoye*, [1990] 3 S.C.R. 1077. That decision significantly limited the defences

which can be raised to resist the enforcement of a judgment from another Canadian province. In the process the Supreme Court endorsed the concept of "full faith and credit" in a Canadian context.

The *Morguard* decision did not detract from the urgency of enacting legislation on this topic. It is one of the limitations of "judge-made" law reform that it does not lend itself to the development and refinement of detailed schemes of the kind required here. The scheme proposed in the Working Paper complements the decision and is a logical extension of it. The decision in *Morguard* is national in scope and this suggests that statutory reform should have a similar focus. This too was foreshadowed in the Working Paper and in other developments.

The Working Paper proposed that the desirability of achieving a full faith and credit regime on a national basis be taken up at one of the periodic meetings of the Canadian Attorneys General and Ministers of Justice and, if the basic policy found agreement, the whole matter be referred to the Uniform Law Conference of Canada for the development of an appropriate legislative framework. Our former Attorney General took the initiative in having this matter placed on the agenda when he met with his counterparts from other provinces in June 1990.

The full faith and credit concept was endorsed, and the matter was referred to the Uniform Law Conference as suggested. The reference also included a request that the Conference develop uniform rules or principles in relation to court jurisdiction and procedures for the transfer of proceedings between Canadian provinces.

The Uniform Law Conference considered the reference initially at its 1990 meeting and established machinery to deal with it. Since the enforcement of judgments portion of the reference was furthest advanced, a draft Act was available for consideration by the Conference at its 1991 meeting. The Conference adopted the proposals made in our Working Paper as the point of departure for its work and Law Reform Commission personnel played a major role in assisting it with the development of the Uniform Act. In the process, many of the principles involved were refined and extended. At its 1991 meeting the Conference

settled the contents of the *Uniform Enforcement of Canadian Judgments Act*.

After the Uniform Act was settled, it was thoroughly reviewed by the Commission. It was our conclusion that the Uniform Act, with minor enhancements, was suitable for adoption in British Columbia. We recommended that, having regard to the role that British Columbia had played in the processes that led to the creation of the Uniform Act, the province should assume leadership in its national implementation through an early commitment to the adoption of the Act in British Columbia.

(b) Rules of Court: Rule 54

Our work in relation to the development of the *Uniform Enforcement of Canadian Judgments Act* led us to consider those provisions of the *Rules of Court* which touch on foreign judgments. Rule 54 sets out the procedure to be followed for registering a judgment under Part 2 of the *Court Order Enforcement Act* (reciprocal enforcement of judgments provisions). It also applies to proceedings under the Canada/U.K. Convention which governs the enforcement of judgments between Canada and the United Kingdom.

There are a number of ways in which Rule 54 conflicts with the provisions of Part 2 of the *Court Order Enforcement Act*. The Rule also draws unnecessary distinctions between the procedure to register judgments under Part 2 and the procedure to register judgments under the Canada/U.K. Convention. These distinctions seem difficult to justify and a greater degree of procedural harmony is called for.

At one stage, the Commission considered developing recommendations in the context of its *Report on the Uniform Enforcement of Canadian Judgments Act*, and some progress was made in doing that. It became clear, however, that revising Rule 54 to meet all the concerns that have been identified is an exercise which raised issues far beyond the scope of that Report and might have significantly delayed its production. We are, therefore, dealing with Rule 54 as a distinct topic. This entails appropriate consultation with the Attorney General's Rules Committee, who

have indicated that Commission involvement in this area would be welcome.

(c) Foreign Money Claims Act: Regulations

In 1990 the British Columbia legislature enacted the *Foreign Money Claims Act*. This implemented the recommendations made by the Commission in its 1983 *Report on Foreign Money Liabilities*. For reasons set out in the Report, it was concluded that it should be possible, in an appropriate case, to enter a judgment in which a person's claim is measured in terms of a foreign currency until it is satisfied by payment. The *Foreign Money Claims Act* implemented this policy and also provided for regulations which would assist litigants and the courts in setting a suitable rate for the payment of prejudgment interest where an obligation is stated in a foreign currency.

In August 1991, we submitted a Minor Report which set out recommendations concerning the content of the regulations contemplated by the Act. The basic thrust of the recommendations was to adopt the "foreign prime rate" as that which should apply to a foreign currency and to identify various published sources which might be regarded as authoritative in ascertaining the foreign prime rate at relevant times.

2. JOINT PROJECT ON LAND TITLE LAW

The Alberta Law Reform Institute has been the catalyst for a joint project on land title law. Participating are representatives of law reform agencies and land registry officials from the western provinces, the territories and Ontario. We joined the project early in 1987 and are participating in co-operation with the Director of Land Titles for the Province.

The work of the Joint Land Titles Committee culminated in July 1990 with the promulgation of its Report: *Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada*. The document consisted of a narrative which outlined the principles which the Committee believed should underlie a model law, and draft legislation, the *Model Land Recording Registration Act*.

The Act was heavily annotated and made extensive use of examples.

Since the Model Act was promulgated there have been two developments. First, the Model Act has received detailed consideration in a number of Canadian jurisdictions and this has led to a number of suggestions for changes and possible improvement. Early in 1992 the Joint Committee was reconstituted for the purpose of considering these suggestions.

In a related development, the Commission has engaged a consultant to examine the Model Act and the work of the Joint Committee from a British Columbia perspective. Professor Mary Anne Waldron of the Faculty of Law, University of Victoria, will be submitting a paper to us in due course which may form the basis of a Study Paper or similar Commission document intended for wider distribution.

3. The Division Of Pensions On Marriage Breakdown

Early in 1992 the Commission submitted its *Report on the Division of Pensions on Marriage Breakdown*. The division of pension entitlement between spouses on marriage breakdown raises difficult issues. The policy of the *Family Relations Act* is clear – pensions should be divided like other property – but giving effect to this policy is not easy. A major defect of the current law is that often expert advice on economic and actuarial issues is required which makes the whole process expensive and, if litigation is necessary, places substantial demands on our courts.

A goal of reform is to fashion legislation in which the fundamental problems of pension division have been worked out in advance and which will operate in a fair and straightforward manner without the need for extensive actuarial and legal advice. Achieving that goal requires the delicate balancing of the interests of the member, the spouse (who is often in a highly dependent position) and the pension plan.

The final recommendations made in the Report take the form of extensively annotated draft legislation which provides a comprehensive structure for dividing all forms of pension entitlement. A core policy of the draft legislation is that the direct

involvement of pension plans in the process is an essential feature of a rational legislative scheme.

4. APARTMENT CORPORATIONS

Before the enactment of modern strata title legislation such as the *Condominium Act* the desire to create "self-owned apartments" was met through a variety of legal arrangements. A common arrangement involved the incorporation of a company with the apartment "owner" being a shareholder of the company. A right to occupy the apartment is attached to the share in some fashion.

The Law Reform Commission's involvement with a project on Apartment Corporations grew out of work being carried out by the Ministry of Finance and Corporate Relations. In October 1990, that Ministry distributed a Discussion Paper on the *Condominium Act* which made a number of observations concerning Apartment Corporations. These observations included a concern that "problems have arisen with the operation...[of apartment corporations]...and this had led to situations in which the rights of individual owners have been opened to abuse." The paper identified partial or total assimilation of apartment corporations to condominiums as a possible approach to addressing the perceived problem and indicated that the Commission had been asked to take this matter in hand and provide advice.

The Commission's research and consultation indicated that the concerns respecting abuse were overstated and that apart from changes to one provision of the *Condominium Act* which unjustifiably impeded the conversion of these dwellings to condominium status, no action was called for. These conclusions were embodied in a Minor Report which was submitted in May 1991.

5. TRUSTS PROJECTS

(a) Non-Charitable Purpose Trusts

As a general rule, a trust which is framed to benefit a purpose rather than a person is invalid unless the purpose is charitable or some other exception to the rule can be invoked. In this

project, the utility of this rule is scrutinized and the possibility of modifying it is explored.

In January 1992 we distributed a Working Paper on this topic which set out tentative proposals for reform. The basic theme of the proposals is that the current limitations which the law places on the creation of non-charitable purpose trusts should be abrogated. Ancillary proposals define the way in which particular rules of law and enactments applicable to trusts will apply to these new kinds of trust.

We expect to submit final recommendations late in 1992 or early in 1993.

(b) Public Appeals

A generous response to human need is characteristic of our society. One manifestation of this is the way in which public appeals for funds will spring up almost spontaneously when disaster strikes individuals or a community. Those who set a public appeal in motion often do not worry about the legal characteristics of the fund. Occasionally, this can lead to difficulties when circumstances unfold in a way leaving money in the fund that cannot be spent for the purposes for which it was collected. The general law of trusts is not well suited to deal with this situation. It may require that these funds remain "locked in" virtually forever. The fund raiser who attempts to deal with the surplus sensibly (perhaps by applying it to a purpose similar in spirit to that for which it was collected) may be committing a breach of trust.

The Law Reform Commission has added to its program a short project examining the law in this area. The overall aim is to rationalize the legal position of public appeal funds, and of those who sponsor them, without inhibiting the generous instincts of all who are involved.

(c) The Trustee Act

Basic research is underway for a more general review of the *Trustee Act*. Particular attention will be paid to trustee powers, including those concerning investment, and to certain rules governing the administration of trust estates that may now be out-

dated. Modernization of the language of the *Trustee Act* is another objective. This is a relatively long-term project.

6. Wrongful Interference With Goods

One aspect of civil procedure which escaped the reforms that took place late in the nineteenth century is that which governs intentional interference with personal property. The Commission touched on one aspect of this a number of years ago in its *Report on the Replevin Act* (LRC 38, 1978) and its recommendations for modernization were speedily adopted.

In 1991 the Commission added to its program a new project which focuses on the old remedies of conversion and detinue. The relief to which a claimant is entitled, under these ancient remedies, can vary significantly depending on the facts in issue. Situations that are functionally similar can end up being treated quite differently.

In March 1992 we distributed a Working Paper setting out proposals designed to rationalize the remedies available to parties in this area and put them on a modern footing. It proposed the replacement of the older remedies with a new statutory remedy which gives the courts flexibility to tailor relief to the needs of the case before them, uninhibited by limitations that were shaped by historical considerations that are no longer relevant. We hope to submit final recommendations on this topic late in 1992 or early in 1993.

7. Forest Industry Liens

The *Woodworker Lien Act* is designed to protect or secure the interests of wage earners and other persons engaged in aspects of the forest industry. It is the frequent target of calls for reform and modernization. A quick reading of the Act makes it obvious why concerns are raised. The Act is a legal relic which embodies an archaic approach to statutory security. It is drafted in out-moded and inaccessible language. It establishes a registration scheme which achieves nothing. Procedures contained in the Act for the enforcement of the lien have escaped the modernization and rationalization that other aspects of civil procedure have received in recent years.

In 1991 we added to our program a project on the *Woodworker Lien Act* (and a related statute, the *Tugboat Worker Lien Act*). The operation of the Act and its contemporary utility will be carefully considered.

8. *FAMILY COMPENSATION ACT*

Where the death of an individual is caused by the fault of another person, the dependants of the deceased individual may bring an action for compensation. The right to do this arises under the *Family Compensation Act*.

The *Family Compensation Act* is based on legislation enacted in England in the 1840's and it has altered remarkably little over the past 150 years, particularly in the core provisions which define the right to compensation (as opposed to the provisions which set out the procedure for obtaining it). The Act has become encrusted with a thick layer of case law and it is this body of law which has come to define the rights of parties rather than the Act itself.

So far as we are aware, the *Family Compensation Act* has not been the subject of any systematic reconsideration. This alone may be enough to suggest that the time is ripe to review and restate the basic principles which define the rights of the parties. That is the basic goal of a project on this topic which we added to our program in 1991.

We do, however, see the project as being somewhat broader than merely formulating a modern restatement of the law. As it is currently applied, the *Family Compensation Act* gives rise to what appear to be anomalies. For example, the dependant of an individual who is killed outright will be compensated if there has been fault. If, however, that individual is rendered permanently comatose but does not die, no compensation is available although the impact on the surviving dependant is similar. This, and other compensation issues, will be examined as part of this project.

9. FRANCHISE REGULATION

Suggestions have reached the Commission that the marketing of franchises and other business opportunities may require

attention. These activities currently take place in a legal environment which is virtually free of any kind of statutory regulation, leaving the "consumers" of business opportunities very much at risk. Such concerns have prompted a number of jurisdictions to enact laws which regulate the marketing of franchises and business opportunities as well as the substance of these relationships.

Whether or not legislation in this area would be desirable for British Columbia is a difficult issue. We are in the process of gathering information and examining the experience of other jurisdictions.

10. *Personal Property Security Act*: Fixtures and other Land Related Interests

In January 1992 the Attorney General requested that the Commission review aspects of the relationship between the *Personal Property Security Act* and the *Land Title Act*. At the highest level of generality, we were asked to ascertain whether the two statutes operate harmoniously in their application to property which has the characteristics of both land and personal property, such as fixtures, growing crops and rights to the payment of money secured by interests in land. Do they strike an appropriate balance among the interests of lenders, borrowers and the public? A more specific aspect of the reference asked the Commission to consider some particular issues which have arisen in relation to the taking of security interests in fixtures.

We are proceeding on the more specific portion first, giving it a relatively high priority. We believe it will be possible to submit an interim report with recommendations well before the end of 1992. We have engaged Professor Bruce MacDougall of the Faculty of Law, University of British Columbia, as a consultant to advise us in relation to this reference.

11. *Limitation Act*: Section 6

Under the *Limitation Act* the running of time is postponed as against plaintiffs who are not fully aware of the facts on which their claims are founded. The postponement rule applies to a broad range of actions and is contained in section 6 of the Act.

When it was enacted in 1975, the postponement approach was an innovation not previously seen in Canada or the Commonwealth.

For the first fifteen years of its existence, section 6 appeared to operate in a relatively uncontroversial fashion. While its application to specific fact situations was not always free of difficulty, that was not seen as a defect in the legislation. More recently, several decisions of the Court of Appeal have focused closely on the actual language employed in section 6 and identified questions and issues that had not been addressed in previous cases. The tenor of these decisions suggest that it might be useful to revisit section 6 to see if its operation might be clarified.

Informal consultation has been carried out with interested persons and groups to identify with greater precision the concerns raised by section 6 and the possible ways of meeting them. This process continues.

12. The Law Reform Database

Early in 1992 the Commission distributed the third version of the Law Reform Database. The Database serves as an electronic index, accessible through keyword searches, to over 5,000 publications of law reform bodies around the world. It was created to serve as a research tool to assist in ascertaining what attention particular topics may have received from law reform bodies.

The Database is distributed on computer disk and copies of it, along with a printed User's Manual, have been sent to over 700 institutions world-wide where legal research is carried out. This includes law schools and their libraries, Ministries of Justice and other government agencies concerned with legal policy making and law libraries which are an adjunct to court houses. Copies have been sent to institutions like these in every Canadian province, every American and Australian state and many other countries.

13. Subjects Of Interest

Preliminary research or the gathering of material regularly proceeds on a number of matters which are not yet part of

the Commission's program or under active consideration for addition to it. In most cases the preliminary work is to determine if a particular topic is appropriate for formal inclusion in the program as a Commission project. Many of these matters which are under preliminary consideration arise out of particular suggestions made, and problems drawn to the Commission's attention, by the legal profession and members of the public.

IV THE AVAILABILITY OF COMMISSION PUBLICATIONS

All final Reports on major topics issued by the Commission are formally published with the intention that they be available to the public. From time to time the Commission also submits minor Reports, in the form of a letter to the Attorney General. These minor Reports are usually reproduced in full as appendices to the Annual Report which covers the period in which the minor Report was made. Our Annual Reports are distributed by the Commission and are available on request and free of charge so long as stocks last.

Crown Publications Inc. is responsible for the distribution of all Reports made by the Commission on particular topics. A nominal charge is made for copies of those Reports. Orders should be directed to:

CROWN PUBLICATIONS INC.
546 Yates Street
Victoria, B.C.
V8W 1K8
Telephone: (604) 386-4636 FAX: (604) 386-0221

Orders may be placed in person or by mail or telephone. Visa, Mastercard and American Express are accepted. A number of our older Reports are now out of print and are not available for purchase. Those Reports are indicated with an asterisk in Appendix A.

Crown Publications Inc. maintains a "notification list" and all persons on the list are advised upon publication of a Commission Report, so they may order copies if they wish. Standing orders for Commission Reports may also be lodged by certain categories of buyer. Anyone who wishes to be added to the notifi-

cation list, or wishes information concerning standing orders should contact Crown Publications Inc.

The Commission is solely responsible for the distribution of its Working Papers. These documents are usually produced in limited quantities and our supplies of them are invariably exhausted by, or shortly after, their initial distribution. Usually we are unable to respond to requests either for copies of past Working Papers or to be placed on a mailing list to receive copies of all Working Papers.

The Law Reform Database is available on request from the Commission.

V ACKNOWLEDGEMENTS

1. Commission Staff

As we have pointed out in previous Annual Reports, our policy of doing the greater part of our research work internally, rather than relying on outside consultants, places a heavy burden of responsibility on the shoulders of our permanent staff. They invariably respond to the challenge with energy, enthusiasm and careful scholarship. We wish to express our sincerest thanks to all those individuals who, in the past year, contributed to our work in this way.

Our particular thanks go to Gregory G. Blue for the intelligence and enthusiasm he brings to his work with us. In addition to research and writing with respect to various projects, he has participated in the work on the Law Reform Database.

We were joined in 1991 by Elizabeth S. Liu who became part of our research staff in September. Over the summer months our research group was also joined by two law students who worked with us. Wendy Baker of the University of Victoria Faculty of Law, and Kirstin Murphy of the University of British Columbia Faculty of Law undertook basic research on a number of topics and provided the Commission's full-time research staff with valuable assistance.

We also wish to acknowledge the very important role played by Bronwen Jamison in relation to the creation of the Law Reform Database. Over the past two and a half years she devoted

substantially the whole of her time to this task and its successful completion is due, in large measure, to the skill and dedication she brought to it. Ms Jamison has now moved on to another situation and we wish her all success in her future endeavors.

Our support staff also make a notable contribution to the work of the Commission. They bring intelligence and efficiency to their duties and share a concern that our work should be of the highest quality in every respect. Our support staff presently consists of Sharon St. Michael, Secretary to the Commission, and Linda Grant, who operates our desktop publishing system. We thank them for their efforts on our behalf.

2. Judges' Law Reform Committee

The Judges' Law Reform Committee is important to our operation. This Committee provides a continuing point of contact with the judiciary. The Committee assists us through responding to our Working Papers and other consultative documents and by calling to our attention defects in the law that its members are well-situated to identify.

The committee members bring a unique perspective to bear on our work and their advice is invariably cogent and helpful. The work of the Judges' Committee plays a major role in the law reform process and we are immensely grateful to the individual members of the bench who give so generously of their time and energy to this end.

3. The Law Foundation

The Law Foundation of British Columbia continues to respond generously to the Commission's requests for funding to help sustain its operation. In the past year, the Foundation again provided much needed assistance.

The support of law reform is listed as one of the Foundation's objects in the statute under which it is constituted. In enabling the Law Reform Commission to carry on with its functions, the Law Foundation truly fulfills that object and renders an important service to the people of the Province.

4. The Legal Profession

The support which we have received from the organized bar and its individual members has continued. We rely heavily on the assistance of the legal profession in a number of ways. At the research stage of our projects, individual lawyers assist us in gathering facts and in acting as a "sounding board" with respect to various approaches to difficult issues. Requests for help of this kind are invariably the subject of a generous response. At the more formal stage of consultation, various sections of the British Columbia Branch of the Canadian Bar Association assist us in our deliberations with thoughtful submissions on the proposals and tentative conclusions set out in our Working Papers. We wish to thank all members of the bar who give generously of their time and experience.

Our consultation with the legal profession has been greatly facilitated in recent years by the creation of the Legislation and Law Reform Committee of the British Columbia Branch of the Canadian Bar Association. This Committee provides us with a continuing point of contact on law reform matters. Gregory Steele, the Committee Chair, and Ann McLean, who serves the Committee as Legislation and Law Reform Officer, have both assisted us in a variety of ways and we are deeply indebted to them.

5. Ministry And Government Personnel

There are a number of individuals and agencies within Government who have, in the past year, contributed to the work of the Commission.

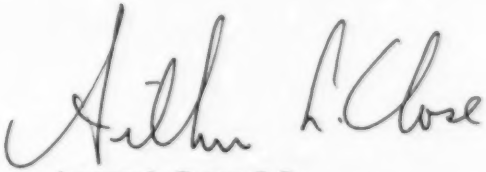
The Law Reform Commission has always had a special relationship with the office of Legislative Counsel. Its personnel are invariably, within the limits of their resources, responsive and helpful when we request assistance in the preparation of proposed legislation.

We also work closely with members of the Ministry's Policy and Program Services Division. A happy spirit of cooperation exists between our groups which, we believe, greatly enhances the effectiveness of the Law Reform Commission. Our thanks go

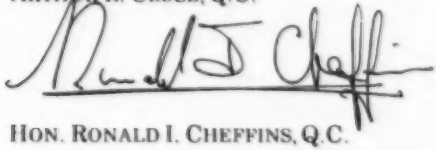
to the individuals within that Division with whom our own personnel have worked during the past year.

We also wish to express our appreciation to Ms. Jane Taylor, Director of Library Services to the Ministry. She has assisted us in keeping our own collection up to date and provided access to new materials in a timely fashion.

Finally, we wish to thank the Attorney General and all those within his Ministry who, during the period under review, in their dealings with the Commission on a day-to-day basis have contributed to our work and made life easier. In particular our thanks go to E.R.A. Edwards, Q.C., the Deputy Attorney General, and various officers within the Information Services, Data Services, Financial Services and the Facilities Management divisions and units of the Ministry. All have, in one way or another, assisted us greatly.



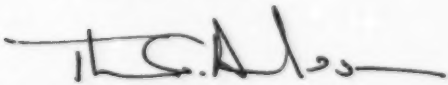
ARTHUR L. CLOSE, Q.C.



HON. RONALD I. CHEFFINS, Q.C.

LYMAN R. ROBINSON, Q.C.

PETER T. BURNS, Q.C.



THOMAS G. ANDERSON

APPENDIX A

REPORTS AND RECOMMENDATIONS MADE BY THE COMMISSION

No.	Title	Date	Recommendations Implemented in Whole or in Part by
1	Limitations – Abolition of Prescription*	Dec. 1970	*Land Registry (Amendment) Act, 1971*, S.B.C. 1971, c. 30, s. 8 (see now *Land Title Act*, R.S.B.C. 1979, c. 219, s. 24).
2	Annual Report 1970*	Dec. 1970	Not applicable
3	Frustrated Contracts Legislation*	Feb. 1971	*Frustrated Contracts Act*, S.B.C. 1974, c. 37 (see now *Frustrated Contract Act*, R.S.B.C. 1979, c. 144); *Landlord and Tenant Act*, S.B.C. 1974, c. 45, s. 61(e) (see now *Residential Tenancy Act*, R.S.B.C. 1979, c. 365 s. 8(3)); *Commercial Tenancies Act*, R.S.B.C. 1960, c. 207, s. 34 (see now *Commercial Tenancy Act*, R.S.B.C. 1979, c. 54, s. 33).
4	Debt Collection and Collection Agents*	Mar. 1971	*Debt Collection Act*, S.B.C. 1973, c. 26 (see now *Debt Collection Act*, R.S.B.C. 1979, c. 88).
5	Expropriation*	Dec. 1971	*Expropriation Act*, S.B.C. 1987, c. 23.
6	Annual Report 1971*	Dec. 1971	Not applicable
7	*Mechanics' Lien Act**	June 1972	*Builders Lien Amendment Act, 1984*, S.B.C. 1984, c. 16, s. 3 [in part]; *Builders Lien Amendment Act (No. 2), 1984*, S.B.C. 1984, c. 17, s. 1 [in part].
8	Deficiency Claims and Repossessions*	June 1972	*Conditional Sales Act*, S.B.C. 1973, c. 19 (see now *Sale of Goods on Condition Act*, R.S.B.C. 1979, c. 373); *Bills of Sale Act*, S.B.C. 1973, c. 7 (see now *Chattel Mortgage Act*, R.S.B.C. 1979, c. 48).
9	Legal Position of the Crown*	Dec. 1972	*Crown Proceedings Act*, S.B.C. 1974, c. 24 (see now *Crown Proceeding Act*, R.S.B.C. 1979, c. 86); *Interpretation Act*, S.B.C. 1974, c. 42, s. 13 (see now *Interpretation Act*, R.S.B.C. 1979, c. 206, s. 14).
10	Annual Report 1972*	Dec. 1972	Not applicable

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
11	Interim Report on Evidence*	Feb. 1973	*Attorney-General Statutes Amendment Act, 1975*, S.B.C. 1975, c. 4, s. 6 (see now *Evidence Act*, R.S.B.C. 1979, c. 116, ss. 37, 38).
12	Pre-Judgment Interest*	May 1973	*Prejudgment Interest Act*, S.B.C. 1974, c. 65 (see now *Court Order Interest Act*, R.S.B.C. 1979, c. 76).
13	Landlord and Tenant – Residential Tenancies*	Dec. 1973	*Landlord and Tenant Act*, S.B.C. 1974, c. 45 (see now *Residential Tenancy Act*, S.B.C. 1984, c. 10).
14	Annual Report 1973*	Jan. 1974	Not applicable
15	Limitations – General*	Mar. 1974	*Limitations Act*, S.B.C. 1975, c. 37 (see now *Limitation Act*, R.S.B.C. 1979, c. 236); *Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, s. 6 [in part].
16	Costs of Accused on Acquittal*	June 1974	----
17	Procedure Before Statutory Bodies*	Nov. 1974	----
18	A Procedure for Judicial Review of the Actions of Statutory Bodies*	Dec. 1974	*Judicial Review Procedure Act*, S.B.C. 1976, c. 25 (see now *Judicial Review Procedure Act*, R.S.B.C. 1979, c. 209).
19	Annual Report 1974*	Jan. 1975	Not applicable
20	Costs of Successful Unassisted Lay Litigants*	Apr. 1975	----
21	The Termination of Agencies*	Apr. 1975	*Miscellaneous Statutes Amendment Act (No. 1), 1987*, S.B.C. 1987, c. 42, s. 91 (see now *Power of Attorney Act*, R.S.B.C. 1979, c. 334, ss. 1–4); *Miscellaneous Statutes Amendment Act (No. 2), 1987*, S.B.C. 1987, c. 43, s. 104 (see now *Trustee Act*, R.S.B.C. 1979, c. 414, ss. 14(7), 14(11)).
22	Powers of Attorney and Mental Incapacity*	May 1975	*Attorney-General Statutes Amendment Act, 1979*, S.B.C. 1979, c. 2, s. 52 (see now *Power of Attorney Act*, R.S.B.C. 1979, c. 334, s. 7).

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
23	Personal Property Security*	Oct. 1975	*Personal Property Security Act*, S.B.C. 1989, c. 36.
24	Security Interests in Real Property: Remedies on Default*	Dec. 1975	*Miscellaneous Statutes (Court Rules) Amendment Act*, S.B.C. 1976, c. 33, s. 94(a) [in part] (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 16); Supreme Court Rules, Rule 50 (11), 3(2) [in part]; *Land Titles Act*, S.B.C. 1978, c. 25 [in part] (see now *Land Title Act*, R.S.B.C. 1979, c. 219, ss. 224–225); *Attorney General Statutes Amendment Act*, S.B.C. 1980, c. 1, s. 15 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 21.1) [in part]; *Property Law Act*, R.S.B.C. 1979, c. 340, s. 28 [in part]; *Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, s. 5 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 16.1) [in part].
25	Annual Report 1975*	Jan. 1976	Not applicable
26	Minors' Contracts*	Feb. 1976	*Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, ss. 1, 2, 10 (see now *Infants Act*, R.S.B.C. 1979, c. 196, Part 2.1 (ss. 16.1–16.11)).
27	Extra-Judicial Use of Sworn Statements*	Apr. 1976	See, e.g., *Mineral Act, 1977*, S.B.C. 1977, c. 54, s. 20(2).
28	Rule in *Bain* v. *Fothergill**	June 1976	*Conveyancing and Law of Property Act*, S.B.C. 1978, c. 16, s. 33 (see now *Property Law Act*, R.S.B.C. 1979, c. 340, s. 33).
29	Annual Report 1976*	Dec. 1976	Not applicable
30	The Rule in *Hollington* v. *Hewthorn**	Jan. 1977	*Evidence Amendment Act, 1977*, S.B.C. 1977, c. 70 (see now *Evidence Act*, R.S.B.C. 1979, c.116, ss. 15(3), 80, 81).
31	Waiver of Conditions Precedent in Contracts*	Apr. 1977	*Attorney-General Statutes Amendment Act, 1978*, S.B.C. 1978, c. 11, s. 8 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 49).
32	Proof of Marriage in Civil Proceedings*	June 1977	*Attorney-General Statutes Amendment Act, 1979*, S.B.C. 1979, c. 2, s. 18 (see now *Evidence Act*, R.S.B.C. 1979, c. 116, s. 58).

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
33	The *Statute of Frauds**	June 1977	*Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, ss. 7, 8 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 54).
34	Tort Liability of Public Bodies*	June 1977	----
35	*Offences Against the Person Act, 1828*, Section 28*	Aug. 1977	*Attorney-General Statutes Amendment Act, 1978*, S.B.C. 1978, c. 11, s. 8 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 3).
36	Annual Report 1977	Jan. 1978	Not applicable
37	*Absconding Debtors Act* and *Bail Act*: Two Obsolete Acts*	Mar. 1978	*Attorney-General Statutes Amendment Act, 1978*, S.B.C. 1978, c. 11, s. 8, ss. 1, 2.
38	The *Replevin Act**	May 1978	*Rules of Court*, Rule 46 as amended Nov. 26, 1981 by B.C. Reg 467/81. *Attorney General Statutes Amendment Act, 1982*, S.B.C. 1982, c. 46, ss. 3–6, 25, 37–41.
39	The *Attachment of Debts Act**	Oct. 1978	----
40	Execution Against Land*	Oct. 1978	----
41	Annual Report 1978	Jan. 1979	Not applicable
42	Creditor's Relief Legislation: A New Approach	Jan. 1979	----
43	Guarantees of Consumer Debts*	June 1979	*Consumer Protection Amendment Act, 1980*, S.B.C. 1980, c. 6, s. 3. [in part].
44	Parol Evidence Rule	Dec. 1979	----
45	Annual Report 1979 (Limitation Periods in Actions Against Estates)	Jan. 1980	*Attorney General Statutes Amendment Act, 1980*, S.B.C. 1980, c. 1, ss. 7, 17 (see now *Estate Administration Act*, R.S.B.C. 1979, c. 114, s. 66(4)(b)); *Negligence Act*, R.S.B.C. 1979, c. 298, s. 7(3).
46	Civil Litigation in the Public Interest*	June 1980	----

* Report is out of print

No.	Title	Date	Recommendations Implemented in Whole or in Part by
47	Calculation of Interest on Foreclosure	Sept. 1980	*Attorney General Statutes Amendment Act, 1981*, S.B.C. 1981, c. 10, s. 28 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 18.1).
48	The Recovery of Unauthorized Disbursements of Public Funds	Sept. 1980	*Financial Administration Act*, S.B.C. 1981, c. 15, s. 67.
49	Annual Report 1980 (Discount Rates)*	Jan. 1981	*Attorney General Statutes Amendment Act, 1981*, S.B.C. 1981, c. 10, s. 30 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 51).
50	Cable Television and Defamation	Mar. 1981	*Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, s. 9 (see now *Libel and Slander Act*, R.S.B.C. 1979, c. 234, s. 1 ["broadcasting"]).
51	Benefits Conferred Under a Mistake of Law	Sept. 1981	----
52	The Making and Revocation of Wills*	Sept. 1981	*Attorney General Statutes Amendment Act (No. 2), 1990*, S.B.C. 1990, c. 34, s. 9 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 46) [in part].
53	Distress for Rent	Nov. 1981	----
54	Annual Report 1981	Jan. 1982	Not applicable
55	Arbitration	May 1982	*Commercial Arbitration Act*, S.B.C. 1986, c. 3. *Foreign Arbitral Awards Act*, S.B.C. 1985, c. 74 [in part].
56	Presumptions of Survivorship	Nov. 1982	----
57	The Crown as Creditor: Priorities and Privileges	Nov. 1982	----
58	Interpretation of Wills	Nov. 1982	----

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
59	Interest and Jurisdictional Limits in the County and Provincial Courts [Printed as an Appendix to LRC 60]	July 1982	*Miscellaneous Statutes Amendment Act (No. 1), 1984*, S.B.C. 1984, c. 25, s. 63 (see now *Small Claims Act*, S.B.C. 1989, c. 38, s. 3(1)); *Miscellaneous Statutes Amendment Act (No. 2), 1984*, S.B.C. 1984, c. 26, s. 2.
60	Annual Report 1982	Jan. 1983	Not applicable
61	Standing of a Common Law Spouse to Apply Under the *Family Compensation Act* [Printed as an Appendix to LRC 73]	Jan. 1983	*Family Law Reform Amendments Act, 1985*, S.B.C. 1985, c. 72, s. 3 (see now *Family Compensation Act*, R.S.B.C. 1979, c. 120, s. 1).
62	Interspousal Immunity in Tort	Mar. 1983	*Charter of Rights Amendments Act, 1985*, S.B.C. 1985, c. 68, ss. 50–53, 79, 83, 98 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, s. 55).
63	Peremptory Challenges in Civil Jury Trials	June 1983	*Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, ss. 3, 4 (see now *Jury Act*, R.S.B.C. 1979, c. 210, ss. 18, 18.1).
64	Breach of Promise of Marriage	Aug. 1983	*Family Law Reform Amendments Act, 1985*, S.B.C. 1985, c. 72, ss. 1, 36 (see now *Family Relations Act*, R.S.B.C. 1979, c. 121, s. 75).
65	Foreign Money Liabilities	Sept. 1983	*Foreign Money Claims Act*, S.B.C. 1990, c. 18.
66	Competing Rights to Mingled Property: Tracing and the Rule in *Clayton*'s Case	Sept. 1983	----
67	Bulk Sales Legislation	Oct. 1983	*Law Reform Amendment Act, 1985*, S.B.C. 1985, c. 10, ss. 11–13.
68	Intentional Interference with Domestic Relations	Nov. 1983	*Family Law Reform Amendments Act, 1985*, S.B.C. 1985, c. 72, ss. 35, 37, 40 (see now *Family Relations Act*, R.S.B.C. 1979, c. 121, s. 75) [in part].
69	Illegal Transactions	Nov. 1983	----

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
70	Statutory Succession Rights	Dec. 1983	----
71	Minor (Interim) Report on the *Land (Wife Protection) Act* [Printed as an Appendix to LRC 73]	Jan. 1984	*Charter of Rights Amendments Act, 1985*, S.B.C. 1985, c. 68, ss. 61–78 (see now *Land (Spouse Protection) Act*, R.S.B.C. 1979, c. 223).
72	Minor Report on The Jurisdiction of Local Judges: Stays of Execution and Instalment Orders [Printed as an Appendix to LRC 73]	Feb. 1984	*Rules of Court*, Rule 42(25) as amended by B.C. Reg. 18/85, s. 15 (effective April 1, 1985).
73	Annual Report 1983/84	Apr. 1984	Not applicable
74	Covenants in Restraint of Trade*	Apr. 1984	----
75	Review of Civil Jury Awards	Sept. 1984	----
76	Compensation for Non-Pecuniary Loss*	Sept. 1984	----
77	Settlement Offers	Sept. 1984	*Rules of Court*, Rule 37(30) as enacted by B.C. Reg. 18/85, s. 10(b) [in part].
78	The Authority of a Guardian	Jan. 1985	*Miscellaneous Statutes Amendment Act (No. 1), 1987*, S.B.C. 1987, c. 42, ss. 22, 23 (see now *Family Relations Act*, R.S.B.C. 1979, c. 121, ss. 1, 25(2), 25(3)).
79	A Short Form General Power of Attorney [Printed as an Appendix to LRC 80]	Mar. 1985	*Miscellaneous Statutes Amendment Act (No. 1), 1987*, S.B.C. 1987, c. 42, ss. 92, 93 (see now *Power of Attorney Act*, R.S.B.C. 1979, c. 334, s. 8 and Schedule).
80	Annual Report 1984/85	Apr. 1985	Not applicable
81	Performance Under Protest*	May 1985	*Miscellaneous Statutes Amendment Act (No. 1), 1987*, S.B.C. 1987, c. 42, s. 52 (see now *Law and Equity Act*, R.S.B.C. 1979, c. 224, ss. 57, 58).

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
82	Minor Report on the Domicile of a Minor [Printed as an Appendix to LRC 86]	Sept. 1985	*Law Reform Amendment Act, 1988*, S.B.C. 1988, c. 42, s. 2. (see now *Infants Act*, R.S.B.C. 1979, c. 196, s. 19.1).
83	Defamation*	Sept. 1985	----
84	Personal Liability Under a Mortgage or Agreement for Sale	Sept. 1985	*Law Reform Amendment Act, 1988*, S.B.C. 1988, c. 42, ss. 5-7 (see now *Property Law Act*, R.S.B.C. 1979, c. 340, ss. 19.1–20.3).
85	Mortgages of Land: The Priority of Further Advances	Jan. 1986	----
86	Annual Report 1985/86	Apr. 1986	Not applicable
87	Spousal Agreements	Aug. 1986	----
88	Shared Liability	Aug. 1986	----
89	Action *Per Quod Servitium Amisit*	Nov. 1986	*Law Reform Amendment Act, 1988*, S.B.C. 1988, c. 42, s. 4.
90	The *Court Order Interest Act*	Jan. 1987	----
91	Obsolete Remedies Against Estate Property: *Estate Administration Act*, Part 9	Mar. 1987	*Law Reform Amendment Act, 1988*, S.B.C. 1988, c. 42, ss. 1, 3, 8, 9.
92	Annual Report 1986/87	Apr. 1987	Not applicable
93	The Buyer's Lien: A New Consumer Remedy	Aug. 1987	----
94	Fraudulent Conveyances and Preferences	Jan. 1988	----
95	Annual Report 1987/88	Apr. 1988	Not applicable
96	Deeds and Seals	June 1988	----

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
97	Set-Off	July 1988	----
98	Minor Report on Practice in Relation to the Cancellation of a Certificate of *Lis Pendens* [Printed as an Appendix to LRC 104]	Nov. 1988	*Land Title Amendment Act, 1989*, S.B.C. 1989, c. 69, ss. 27, 28 (see now *Land Title Act*, R.S.B.C. 1979, c. 219, ss. 231, 235).
99	The *Land (Settled Estate) Act*	Nov. 1988	*Attorney General Statutes Amendment Act, 1989*, S.B.C. 1989, c. 64, ss. 8, 33, 34 (see now *Trust and Settlement Variation Act*, R.S.B.C. 1979, c. 413, s. 3.1).
100	Co-Ownership of Land	Dec. 1988	----
101	Response to *Access to Justice* – the Report of the Justice Reform Committee [Printed as an Appendix to LRC 104]	Dec. 1988	Not applicable
102	Wills and Changed Circumstances	Jan. 1989	----
103	Floating Charges on Land	Jan. 1989	*Personal Property Security Act*, S.B.C. 1989, c. 36, s. 104 (see now *Land Title Act*, R.S.B.C. 1979, c. 219, s. 198.1).
104	Annual Report 1988/89	Apr. 1989	Not applicable
105	Minor Report on Severance of Unconstitutional Enactments [Printed as an Appendix to LRC 113]	May 1989	----
106	Vicarious Liability Under the *Motor Vehicle Act*	June 1989	*Miscellaneous Statutes Amendment Act (No. 2), 1990*, S.B.C. 1990, c. 58, s. 16 (see now *Motor Vehicle Act*, R.S.B.C. 1979, c. 288, s. 216) [in part].
107	Minor Report on Loss Appraisal under the *Insurance Act*	July 1989	----

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
108	The *Commercial Tenancy Act*	Dec. 1989	----
109	Notice Requirements in Proceedings Against Municipal Bodies	Jan. 1990	----
110	The Enduring Power of Attorney: Fine-tuning the Concept	Feb. 1990	----
111	Property Rights on Marriage Breakdown	Mar. 1990	----
112	The Ultimate Limitation Period: *Limitation Act*, Section 8	Mar. 1990	----
113	Annual Report 1989/90	Apr. 1990	Not applicable
114	Minor Report on Priority of Builders Liens Under Bill 52 [Printed as an Appendix to LRC 119]	Oct. 1990	----
115	Minor Report on Affidavits: Alternatives to Oaths	Nov. 1990	*Affirmation Regulation Amendment*, B.C. Reg. 314/91.
116	Execution Against Securities	Mar. 1991	----
117	Interim Report on Enforcing Judgments from Outside the Province	Mar. 1991	----
118	Mortgages: Judicial Sales and Deficiency Claims	Mar. 1991	----
119	Annual Report 1990/91	Mar. 1991	Not applicable
120	Apartment Corporations	May 1991	----

* Report is out of print.

No.	Title	Date	Recommendations Implemented in Whole or in Part by
121	The *Foreign Money Claims Act*: Regulations	Aug. 1991	----
122	The *Uniform Enforcement of Canadian Judgments Act*	Jan. 1992	----
123	Division of Pensions on Marriage Breakdown	Jan. 1992	----
124	Annual Report 1991/92	Apr. 1992	Not applicable

* Report is out of print.

APPENDIX B

OTHER PUBLICATIONS

A. The Law Reform Database

The Law Reform Database is described in the body of this Report.

B. Study Papers

Study Papers are documents prepared for the Law Reform Commission on particular topics by named authors. Published Study Papers are:

S1 The Office of the Sheriff
by Gordon Turriff and Elizabeth Edinger, 1983

S2 Family Property
by Thomas G. Anderson and Michael Karton, 1985

S3 Court Jurisdiction
by John W. Horn, 1989

C. Working Papers Issued by the Commission

Working Papers are produced for consultation purposes and ordinarily precede a final report on the topic under consideration. In the following list all of the Working Papers except those marked with an asterisk (*) have in fact been superseded by a final report.

No.	Title	Year
1	Frustrated Contracts Legislation	1970
2	Abolition of Prescription	1970
3	Debt Collection and Collection Agents	1971
4	Deficiency Claims and Repossessions	1971
5	The *Mechanics' Lien Act*	1971
6	Expropriation	1971
7	Legal Position of the Crown	1972
8	Debtor-Creditor Relationships – Pre-Judgment Interest	1973

No.	Title	Year
9	Costs of Accused on Acquittal	1973
10	A Procedure for Judicial Review of the Actions of Statutory Bodies	1974
11	Tort Liability of Public Bodies	1974
12	Powers of Attorney and Mental Incapacity	1974
13	Costs of Successful Litigants in Person	1974
14	The *Powers of Attorney Act* and the Termination of Agencies	1974
15	Security Interests in Real Property: Remedies on Default	1975
16	Minors' Contracts	1975
17	Extra-Judicial Use of Sworn Statements	1975
18	The Enforcement of Judgments: The *Attachment of Debts Act*	1976
19	The Rule in *Hollington* v. *Hewthorn*	1976
20	The Statute of Frauds	1976
21	The Enforcement of Judgments: The *Creditors' Relief Act*	1976
22	The Enforcement of Judgments: Execution Against Land	1976
23	The *Replevin Act*	1977
24	Guarantees of Consumer Debts	1978
25	Arbitration	1979
26	Civil Litigation in the Public Interest	1979
27	The Calculation of Interest on Foreclosure	1980
28	The Making and Revocation of Wills	1980
29	Distress for Rent and Other Debts	1980
30	Benefits Conferred Under a Mistake of Law	1980
31	The Crown as Creditor: Priorities and Privileges	1981
32	Interpretation of Wills	1981
33	Foreign Money Liabilities	1981
34	Interspousal Immunity in Tort	1982
35	Statutory Succession Rights	1982
36	Competing Rights to Mingled Property: Tracing and the Rule in *Clayton's Case*	1982
37	Peremptory Challenges in Civil Jury Trials	1982
38	Illegal Contracts	1982

No.	Title	Year
39	Breach of Promise of Marriage	1983
40	Bulk Sales Legislation	1983
41	Covenants in Restraint of Trade	1983
42	Intentional Interference with Domestic Relations	1983
43	Compensation for Non-Pecuniary Loss	1983
44	Review of Civil Jury Awards	1983
45	Settlement Offers	1984
46	Performance Under Protest	1984
47	Mortgages of Land: The Priority of Further Advances	1985
48	Personal Liability Under a Mortgage or Agreement for Sale	1985
49	The *Court Order Interest Act*	1985
50	Shared Liability	1985
51	Spousal Agreements	1985
52	The Buyer's Lien: A New Consumer Remedy	1986
53	Fraudulent Conveyances and Preferences	1986
54	Set-Off	1987
55	Execution Against Shares	1987
56	Deeds and Seals	1987
57	Testamentary Intent and Unexpected Circumstances	1987
58	Co-Ownership of Land	1987
59	The *Land (Settled Estate) Act*	1988
60	Vicarious Liability Under the *Motor Vehicle Act*	1988
61	The *Commercial Tenancy Act*	1988
62	The Enduring Power of Attorney: Fine-tuning the Concept	1989
63	Property Rights on Marriage Breakdown	1989
64	The Enforcement of Judgments Between Canadian Provinces	1989
65	Division of Pensions on Marriage Breakdown	1990
*66	Non-Charitable Purpose Trusts	1991
*67	Wrongful Interference With Goods	1992

*Final Report not yet issued

APPENDIX C

PAST AND PRESENT MEMBERS OF THE COMMISSION

Hon. E.D. Fulton	Chairman	1970 to 1973
Hon. Mr. Justice F.U. Collier	Commissioner	1970 to 1971
Dr. Richard Gosse, Q.C.	Commissioner	1970 to 1972
Ronald C. Bray	Commissioner Acting Chairman	1971 to 1977 1973 to 1974
J. Noel Lyon	Commissioner	1972 to 1973
Allen A. Zysblat	Commissioner	1973 to 1976
Paul D.K. Fraser, Q.C.	Commissioner	1973 to 1979
Hon. Mr. Justice Peter Fraser	Commissioner Acting Chairman	1973 to 1982 1978 to 1979
Leon Getz	Chairman Commissioner	1974 to 1977 1974 to 1979
Hon. Mr. Justice J.D. Lambert	Commissioner Chairman	1976 to 1978 1978
Kenneth C. Mackenzie, Q.C.	Commissioner	1978 to 1983
Bryan Williams, Q.C.	Commissioner	1979 to 1984
Anthony F. Sheppard	Commissioner	1979 to 1984
Arthur L. Close, Q.C.	Commissioner Vice-Chairman Chairman	1979 to date 1983 to 1984 1984 to date
Hon. Mr. Justice J.S. Aikins	Chairman	1980 to 1983
Hon. Ronald. I. Cheffins, Q.C.	Commissioner Vice-Chairman	1983 to 1985 1984 to 1985 1987 to date
Hon. Mdm. Justice M.V. Newbury	Commissioner	1984 to 1991
Lyman R. Robinson, Q.C.	Commissioner	1985 to date
Peter T. Burns, Q.C.	Commissioner	1986 to date
Thomas G. Anderson	Commissioner	1990 to date